D.B. CIVIL SPECIAL APPEAL (W) NO.772/06
(RSRTC Vs. Dilip Barath)

Date of order : 19.12.2006

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. P.K. Lohra, for the appellant.

Having heard learned counsel for the appellant, we are satisfied that learned Single Judge has disposed of the writ petition in terms of order passed in Om Prakash Vs. RSRTC & Ors. decided by Division Bench of this Court, which was a binding precedent and which binds us also. While there is no dispute that ratio of aforesaid decision governs the present case, learned counsel for the appellant urges that judgment in the case of Om Prakash (supra) requires reconsideration.

It is not in dispute that the appellant was very much party to above decision. He is also not in a position to say whether Corporation has filed an appeal against that judgment or not. In that view of the matter, if the Corporation has not challenged the said Bench decision, it cannot now get over the judgment by seeking reconsideration of the judgment without any fresh grounds to doubt correctness of said judgment.

In that view of the matter, we do not find any merit in the appeal and the same is hereby dismissed.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

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